



Our ref: KON-1803

Client's ref: P-6175-001-0000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Application of: W. SATAKE :

Art Unit: 1752

Serial No. : 10/606,490 :

Filed : June 26, 2003 :

Examiner: H. Van Le

Title : CONCENTRATED COLOR :  
DEVELOPER...METHOD  
BY USE THEREOF :

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**DECLARATION**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S i r:

I, Wataru Satake, hereby declare and say as follows:

1. I am the sole inventor of the present  
Application.

2. I earned a Master's degree in Science from Kanazawa University in March 1989. Since April 1989, I have been employed by Konica Corporation, the owner of the present Application. During my employment at Konica, I have engaged in the research and study of silver halide photographic materials and photographic processing in the Research and Development Laboratory of Konica Corporation.
3. I am aware that this Application has been rejected based on US 6,413,703 to Tappe. I had previously performed tests which were submitted in the Declaration dated January 30, 2004 to show that Tappe does not teach using both sodium and potassium ions in the developing concentrate and that using a compound of Formulas (A-I) to (A-IV) provides superior results. I confirm that Tappe does not use both sodium ions and potassium ions in the developer concentrate.
4. I am aware that the Examiner has requested that I test compound A-II-3 and compound A-II-9.

5. Tests have been performed and are reported herein in order to demonstrate that a one-part photographic developing concentrate containing the compound A-II-3 or the compound A-II-9 is superior to the developing concentrate of Tappe containing EDTA. Additional tests using the compounds A-I-1, A-III-1 and DTPA (A-IV) have also been submitted to illustrate the superiority of the invention with respect to Formulas (A-I), (A-III) and (A-IV). These other compounds are deemed most representative of their group. These tests have been performed either by myself or under my direct supervision and control.
6. Six photographic developing concentrates samples were prepared. Example 4 of Tappe was prepared in accordance with the description at column 4, lines 51-65 of Tappe. Examples 4B, 4C, 4D, 4E and 4F were prepared in the same manner as Example 4 of Tappe, except that EDTA was respectively replaced with an equimolar amount of compound A-II-3, compound A-II-9, compound A-I-1, compound A-III-1 and DTPA (Formula A-IV,

diethylenetriamine pentaacetic acid) of the present invention.

7. Examples 4, 4B, 4C, 4D, 4E and 4F were evaluated for variation in oxidation-reduction potential and variation in gamma balance. The results of these evaluations are illustrated in Table 1.

**Table 1**

Sample	Compound	Effect	
		$\Delta E$ variation in %	Gamma balance change rate in %
Example 4 of Tappe	EDTA	9.0 (100)	9.4 (100)
Example 4B	A-II-3	6.1 (67.8)	5.9 (62.8)
Example 4C	A-II-9	6.5 (72.2)	6.0 (63.8)
Example 4D	A-I-1	6.3 (70.0)	5.3 (56.4)
Example 4E	A-III-1	6.3 (70.0)	5.7 (60.6)
Example 4F	DTPA	5.5 (61.1)	5.5 (58.5)

8. Table 1 demonstrates that Examples 4B, 4C, 4D, 4E and 4F, containing a compound of Formulas (A-I) to (A-IV) of the present invention, are superior to Example 4 of Tappe, containing EDTA. Specifically, Examples 4B, 4C, 4D, 4E and 4F exhibit approximately 61-72% of the variation in

oxidation-reduction potential compared to Example 4 of Tappe. In addition, Examples 4B, 4C, 4D, 4E and 4F exhibit approximately 55-63% of the variation in gamma balance compared to Example 4 of Tappe.

9. I find the results demonstrated in Table 1 to be both surprising and unexpected based on the teachings of Tappe.

It is declared by undersigned that all statements made herein of undersigned's own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under section 18 U.S. Code 1001, and that such willful false statements may jeopardize the validity of this Application or any patent issuing thereon.

  
Watāru Satake

Dated: This 19<sup>th</sup> day of April, 2004.

DCL/mr